IN THE HIGH COURT OF UTTARTANCHAL
AT NAINITAL

Criminal Misc. Application N. 584 of 2005

Ramesh Chandra Babbar S/o Manohar Lal
R/o Sarva Priya Vihar Colony
Bac of Diviya Yog Ashram
P.S. Kankhal
District Haridwar

….Applicant.

Versus

1. State of Uttaranchal
2. District Judge, District Haridwar
3. Special Judicial Magistrate – Ist
   Haridwar, District Haridwar
4. A.K. Sharma S/o Ved Prakash Sharma
   R/o 345 Vivek Vihar Colony Jwalapur
   P.S. Jwalapur
   District Haridwar

….Opp. Party.

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C has been filed by the applicant for quashing the impugned order dated 25.8.2005 passed by District Judge, Haridwar in Criminal Revision No. 102 of 2005 Ramesh Chandra Vs State for quashing the order dated 26.07.2005 passed by opposite party No. 3 in Criminal Complaint No. 523 of 2003 A.K. Sharma Vs Ramesh Chandra Babbar.

Brief facts rise to this petition are that a case complaint No. 523 of 2004 pending before the court of Special Judicial Magistrate, Haridwar name and title as 'A.K. Sharma Vs Ramesh Chandra Babbar' under Section 138 Negotiable Instrument Act. This case was at the stage of defence evidence and on 04.07.2005. Ramesh Chandar Babbar – accused/ applicant moved an application that the signature be tallied with the handwriting expert.

This application under Section 311 Cr.P.C. was rejected by the learned Special Judge, Haridwar vide order dated 26.07.2005. Thereafter,

an appeal was preferred against the aforesaid order which was also dismissed by the Sessions/District Judge vide order dated 25.8.2005.

Feeling aggrieved by the aforesaid impugned orders, this petition has been preferred before this court under Section 482 Cr.P.C.

Heard Sri Parikshit Saini, learned counsel for the petitioner and perused the record.

I do not find any infirmity in the impugned judgments passed by the respondents No. 2 and 3. The petition under Section 482 Cr.P.C. is entertained only when there is a serious miscarriage of justice and abuse of process of the court or when mandatory provision of law were not complied with.

I, therefore, do not find that any mistake has been committed by revisional courts, which may call for any interference by way of the jurisdiction to be exercised under Section 482 Cr.P.C.

Accordingly, the petition under Section 482 Cr.P.C. is dismissed in limine.

(B.C. Kandpal, J)

07.09.2005

ASWAL